

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

OTSUKA PHARMACEUTICAL CO., LTD.
AND H. LUNDBECK A/S,

Plaintiffs,

v.

MYLAN LABORATORIES LIMITED,
VIATRIS INC. AND MYLAN
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 1:22-CV-00032 (Kleeh)
Civil Action No. 1:22-CV-00089 (Kleeh)
Civil Action No. 1:22-CV-00114 (Kleeh)

**STIPULATION OF VOLUNTARY DISMISSAL
OF THE ABOVE-CAPTIONED ACTIONS**

1. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), the parties, by and through their respective undersigned counsel, hereby stipulate that Civil Action Nos. 1:22-CV-00032 (Kleeh), 1:22-CV-00089 (Kleeh) and 1:22-CV-00114 (Kleeh), including all claims, affirmative defenses, counterclaims and motions therein, are voluntarily dismissed, without prejudice, in favor of continued prosecution of 1-22-cv-00464-CFC (D. Del. filed Apr. 8, 2022), 1-22-cv-01125-CFC (D. Del. filed Aug. 26, 2022), 1-22-cv-1226-CFC (D. Del. filed Sept. 20, 2022), and 1-22-cv-1367-CFC (D. Del. filed Oct. 17, 2022), following Defendants' withdrawal of their motions in Delaware challenging venue.

2. For the reasons stated by Defendants in their letter of withdrawal (Civil Action Nos. 1-22-cv-00464-CFC (D.I. 86); 1-22-cv-01125-CFC (D.I. 51); 1-22-cv-01226-CFC (D.I. 42); 1-22-cv-01367-CFC (D.I. 43), and as agreed by the parties and ordered by the Delaware Court in its February 21, 2023 *Order Regarding Withdrawal of Venue Motions, Consolidation of Actions and Submission of Case Schedule*, these matters will proceed in the District of Delaware. (See Civil

Action Nos. 1-22-cv-00464-CFC (D.I.s 91, 92); 1-22-cv-01125-CFC (D.I.s 56, 57); 1-22-cv-01226-CFC (D.I.s 47, 48); 1-22-cv-01367-CFC (D.I.s 48, 49).)

Date: March 6, 2023

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